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RICHARD W. VIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs,  
UMG RECORDINGS, INC.; SONY BMG MUSIC  
ENTERTAINMENT; ARISTA RECORDS LLC;  
ELEKTRA ENTERTAINMENT GROUP INC.;  
CAPITOL RECORDS, INC.; and BMG MUSIC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JCS

UMG RECORDINGS, INC., a Delaware  
corporation; SONY BMG MUSIC  
ENTERTAINMENT, a Delaware general  
partnership; ARISTA RECORDS LLC, a  
Delaware limited liability company; ELEKTRA  
ENTERTAINMENT GROUP INC., a Delaware  
corporation; CAPITOL RECORDS, INC., a  
Delaware corporation; and BMG MUSIC, a New  
York general partnership,  
Plaintiffs,

v.

JOHN DOE #1,  
Defendant.

CASE NO. 07

4835

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

3. Venue in this District is proper. See 28 U.S.C. §§ 1391(b), 1400(a). Although the true identity of Defendant John Doe #1 (“Defendant”) is unknown to Plaintiffs at this time, on information and belief, Defendant may be found in this District and/or a substantial part of the acts of infringement complained of herein occurred in this District. On information and belief, personal jurisdiction in this District is proper because Defendant, without consent or permission of the copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by Plaintiffs. On information and belief, such illegal dissemination occurred in every jurisdiction in the United States, including this one. In addition, Defendant contracted with an Internet Service Provider (“ISP”) found in this District to provide Defendant with the access to the Internet which facilitated Defendant’s infringing activities.

**PARTIES**

4. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

5. Plaintiff SONY BMG MUSIC ENTERTAINMENT is a Delaware general partnership, with its principal place of business in the State of New York.

6. Plaintiff Arista Records LLC is a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

7. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

8. Plaintiff Capitol Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.



1 distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive  
2 rights under copyright. (In addition to the sound recordings listed on Exhibit A, Plaintiffs are  
3 informed and believe Defendant has, without the permission or consent of Plaintiffs, continuously  
4 downloaded and/or distributed to the public additional sound recordings owned by or exclusively  
5 licensed to Plaintiffs or Plaintiffs' affiliate record labels, and Plaintiffs believe that such acts of  
6 infringement are ongoing. Exhibit A includes the currently-known total number of audio files being  
7 distributed by Defendant.)

8 15. Plaintiffs have placed proper notices of copyright pursuant to 17 U.S.C. § 401 on  
9 each respective album cover of each of the sound recordings identified in Exhibit A. These notices  
10 of copyright appeared on published copies of each of the sound recordings identified in Exhibit A.  
11 These published copies were widely available, and each of the published copies of the sound  
12 recordings identified in Exhibit A was accessible by Defendant.

13 16. Plaintiffs are informed and believe that the foregoing acts of infringement have been  
14 willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

15 17. As a result of Defendant's infringement of Plaintiffs' copyrights and exclusive rights  
16 under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504(c) against  
17 Defendant for each infringement of each copyrighted recording. Plaintiffs further are entitled to  
18 their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

19 18. The conduct of Defendant is causing and, unless enjoined and restrained by this  
20 Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated  
21 or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502  
22 and 503, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing  
23 Plaintiffs' copyrights, and ordering that Defendant destroy all copies of copyrighted sound  
24 recordings made in violation of Plaintiffs' exclusive rights.

25 WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

26 1. For an injunction providing:

27 "Defendant shall be and hereby is enjoined from directly or indirectly  
28 infringing Plaintiffs' rights under federal or state law in the  
Copyrighted Recordings and any sound recording, whether now in  
existence or later created, that is owned or controlled by Plaintiffs (or

1 any parent, subsidiary, or affiliate record label of Plaintiffs)  
2 ("Plaintiffs' Recordings"), including without limitation by using the  
3 Internet or any online media distribution system to reproduce (*i.e.*,  
4 download) any of Plaintiffs' Recordings or to distribute (*i.e.*, upload)  
5 any of Plaintiffs' Recordings, except pursuant to a lawful license or  
6 with the express authority of Plaintiffs. Defendant also shall destroy  
all copies of Plaintiffs' Recordings that Defendant has downloaded  
onto any computer hard drive or server without Plaintiffs'  
authorization and shall destroy all copies of those downloaded  
recordings transferred onto any physical medium or device in  
Defendant's possession, custody, or control."

7 2. For statutory damages for each infringement of each Copyrighted Recording  
8 pursuant to 17 U.S.C. § 504.

9 3. For Plaintiffs' costs in this action.

10 4. For Plaintiffs' reasonable attorneys' fees incurred herein.

11 5. For such other and further relief as the Court may deem just and proper.

12  
13 Dated: September 20, 2007

HOLME ROBERTS & OWEN LLP

14  
15 By: 

MATTHEW FRANKLIN JAKSA

Attorney for Plaintiffs

16 UMG RECORDINGS, INC.; SONY BMG  
17 MUSIC ENTERTAINMENT; ARISTA  
18 RECORDS LLC; ELEKTRA  
19 ENTERTAINMENT GROUP INC.;  
20 CAPITOL RECORDS, INC.; and BMG  
21 MUSIC  
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**EXHIBIT A****IP Address:** 129.210.185.210 2007-05-28 13:29:18 EDT**CASE ID#** 130936544**P2P Network:** Gnutella**Total Audio Files:** 1022

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
UMG Recordings, Inc.	Lifehouse	You And Me	Lifehouse	370-643
SONY BMG MUSIC ENTERTAINMENT	Korn	Freak On a Leash	Follow the Leader	263-749
UMG Recordings, Inc.	Rise Against	Paper Wings	Siren Song Of The Counter Culture	355-243
Arista Records LLC	Air Supply	All Out Of Love	Lost In Love	38-070
Elektra Entertainment Group Inc.	The Cure	Lullaby	Disintegration	104-305
UMG Recordings, Inc.	Nelly	Over and Over	Suit	358-551
Capitol Records, Inc.	Jimmy Eat World	Crush	Clarity	262-667
UMG Recordings, Inc.	Counting Crows	A Long December	Recovering The Satellites	226-415
BMG Music	Eve 6	Think Twice	It's All in Your Head	335-549